

RECEIVED

2022 NOV -4 AM 10: 24

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DISTRICT**

PRENTICE D. STATEN

Plaintiff,

v.

JURY DEMANDED

GRANGES AMERICAS INC.,

Defendant,

COMPLAINT

COMES NOW Pro Se Plaintiff, Prentice D. Staten (hereinafter "I", "Me" "Plaintiff" or "Mr. Staten"), and files his Complaint against Defendant, Granges Americas Inc in support of his claims, Plaintiff would respectfully show unto the Court as follows:

NATURE OF THE ACTION

This is an action brought under the Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e ("Title VII"), The Age Discrimination in Employment Act 29 U.S.C. § 621-634, The Genetic Information Act , 42 U.S.C. § 2000ff and Tennessee state law. Defendant is liable for unlawfully discriminating and retaliating against Plaintiff.

JURISDICTION AND VENUE

1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. § 1331 and 42 U.S.C. § 2000e-5(f)(3).
2. The employment practices alleged to be unlawful were committed within the jurisdiction of the United States District Court for the Western District of Tennessee, Western Division; therefore, pursuant to 28 U.S.C. § 1331(b)(2) and 42 U.S.C. § 2000(e)- 5(f)(3), venue is appropriate in this Court.

ADMINISTRATIVE PROCEDURES

3. Plaintiff has fulfilled all conditions necessary to proceed with this cause of action under Title VII. Plaintiff filed his Charges of Discrimination against Defendant on **October 20, 2021**, the charge is attached hereto as Collective **Exhibit A**.
4. On August 16, 2022, the Equal Employment Opportunity Commission (“EEOC”) issued Plaintiff his Right to Sue letter for the Charge of Discrimination that he filed against Defendant, of which he received on August 16, 2022. The Notice is attached hereto as Collective **Exhibit B**.
5. The Charge of Discrimination was timely filed, and Plaintiff brings this lawsuit within ninety (90) days of his receipt of it.

PARTIES

6. Plaintiff is an African American male, and he resides in Henderson County, 519 Kandala Cove, Lexington Tennessee 38351.
7. Defendant is a business in Carroll County, Tennessee, organized and existing under the laws of the State of Tennessee. Plaintiff worked for Defendant at 400 Bill Brooks

Dr., Huntingdon Tennessee 38344. Defendant may be served with process through its Registered Agent listed with the Tennessee Secretary of State as 501 Corporate Centre Drive, Suite 280, Franklin Tennessee 37067-4615. Defendant mailing and principle office is the same and Defendant's Registered Agent for service of process is CT Corporation System, 300 Montvue Road, Knoxville, Tennessee 37919-5546 USA

8. Defendant is now, and at all times relevant hereto, an employer engaged in an industry affecting commerce within the meaning of §701(b), (g) and (h) of Title VII, 42 U.S.C. § 2000e(b), (g) and (h), and have employed more than the requisite number of persons for the requisite duration under Title VII.
9. Defendant is now, and at all times relevant hereto, Plaintiff's employer.

FACTUAL ALLEGATIONS

- a. I am of mixed race and I identity as an African American man and Defendant was aware of this identification at the time of my hire.
- b. I was hired by Defendant on August 22, 2005, in the position of Cast Technician.
- c. I was denied a promotional opportunity for a lead position that I was qualified for and had seniority for.
- d. On May 6, 2021, I became aware that a younger white male Trevor Fenty (37) was promoted to the lead position despite my qualifications and seniority status over Mr. Fenty.
- e. I reported my complainant of unlawful discriminatory employment practices to my Supervisor Chris Man.

- f. After filing a complaint with Chris Man, Supervisor, I was told that I was not offered the job because I allegedly turned the job down before.
- g. Defendant denied Plaintiff an promotional opportunity because I NEVER was offered a job by them and I turned the job down.
- h. I was told by Management that Defendant was looking for someone who wanted to move up the company ranks.
- i. Defendant assumed only and later a false conclusion that I was not interested in moving up in the company ranks.
- j. I was interested in moving up in the company ranks and I believe my actions demonstrated that to Defendant.
- k. In April or May 2018, I asked my Coordinator about becoming lead person after the man that had the position retired.
- l. I was passed over for the job for a younger guy.
- m. Mr. Fenty identifies himself as a white male.
- n. When the Acting Coordinator started asking about the lead person job, he was asking about the time spent on the job but then skipped over me.
- o. I then asked why I wasn't asked about the job and his answer was that it was to his knowledge that I turned it down before but that wasn't the case.
- p. Management then proceeded to tell me that Defendant are not going by seniority but that's how he started.
- q. I was also informed that Defendant wanted somebody that wants to move up in the company after making excuses why he didn't ask me.
- r. Management told me Mr. Fenty is more experienced than I am but this is not true.

- s. The matrix that they say they have is just a continuation of the discrimination that was taking place with the previous employer.
- t. The previous Employer was Norandal who hired me in 2005 and after they filed for bankruptcy Defendant purchased them.
- u. I take pride in doing my job and I do it very well.
- v. Also, the fact that they say that I am unapproachable by my coworkers is untrue as well. My coworkers come ask me questions as they might need my insight on how to fix a problem.
- w. As far as Mr. Fenty he just now started trying to learn more of the job because he got the lead job.
- x. I think around December 3rd I was called in the Office so they could ask questions about the EEOC charge that I filed.
- y. Not knowing how much to tell I didn't say a lot however Human Resources ask if I was still interested in the job and at that point, I wasn't cause taking it from one person to another doesn't change the fact that I was overlooked and denied a promotional opportunity over a younger male white, Trevor Fenty.
- z. I as well as some of my other co-workers was put to task to try and train one of the other guys that had been in the position for a while.
- aa. After we (my coworkers) ALL were unsuccessful in training him, we ALL complained to the casting management that he wasn't going to get it.
- bb. Defendant ignored our complaints what we were trying to relay to them, and he caused a mess on a startup that could have gotten someone hurt.

cc. My concern was for myself and the other coworkers and the guy in question when I said I wanted to be moved to a new department.

dd. when I said I wanted to be moved to a new department it wasn't because I did not want to train him, but he could have gotten somebody hurt, everyday as it is a repetitive job daily and he couldn't get it after months of each of me and my coworkers training him.

ee. I believe Defendant spent \$250,000 to have me subjected to illegally surveillance among other things.

ff. I believe Defendant took over my intellectual property in my home, caused my phone to be cloned and I was getting generic updates that they wanted me to have.

gg. I also found the STATIC IP that was ordered for my home personal computer.

hh. Defendant had me blacklisted along with the drones scanning my house, giving out my location and some other things.

Pre textual Facts

ii. During the investigation at EEOC, Defendant stated that I was not selected because I was not approachable. I was denied a promotional opportunity because Defendant argues that I asked to move to a different department to avoid training another employee and that this suggested that I was not an employee looking to move into leadership positions. The fact of the matter remains that I had the interest, skill set and experience and the seniority status that made be more qualified than Trevor Fenty.

jj. Leads in the casting Department are selected by seniority and I have more seniority than Trevor Fenty.

kk. The casting department provided discriminatory justification for my non selection when they chose Trevor Fenty over me.

ll. Despite my seniority status over Trevor Fenty and any alleged policy Trevor was given the job because he merely applied for three salaried supervisor positions in the past but was not selected.

mm. Trevor Fenty was selected despite my seniority status over him simply because he merely had a communication with management where he required about what he could do to move into leadership.

nn. Mr. Trevor's Fenty expressed verbal communication to management was deemed to be an act of demonstrating his desire to move up within the copy despite my seniority status over.

oo. My seniority status was ignored. Mr. Fenty did not began working in the casting department until 2013.

pp. I began working in the department in 2008 where I developed superior skills and experience in Casting and was therefore more qualified than Trevor Fenty.

qq. I am aware and reasonably believe and perceive that the generic information of my brother's disability was used against me.

rr. I believe I have been discriminated against due to my race, black in violation of the Civil Rights of 1964 as amended.

ss. I believe that I have been discriminated against due to my age (51) in violation of the Age in Employment Discrimination Act of 1967 as amended.

tt. I believe I have been discriminated against due to my generic information in violation of the Genetic information Nondiscrimination Act of 2006 as amended.

CAUSES OF ACTION

COUNT 1- AGE DISCRIMINATION in Violation of the Age Discrimination in Employment Act of 1967

10. Plaintiff incorporates all the foregoing paragraphs herein as if restated again in full.
11. Plaintiff is over 40 at the time of the alleged acts of discrimination and his birthdate is _____.
12. Defendant subjected Plaintiff to unlawful discrimination, which was sufficiently severe and pervasive to alter the conditions of his employment.
13. Defendants harassed Plaintiff on the basis of his Age.
14. The discrimination adversely affected the terms, conditions, and privileges of Plaintiff's employment.

COUNT 2- RACE DISCRIMINATION in Violation of Title VII

15. Plaintiff incorporates all the foregoing paragraphs herein as if restated again in full.
16. Plaintiff is an African Male and is therefore a member of a protected class.
17. Defendants' actions in subjecting Plaintiff to different terms and conditions of his employment constituted unlawful discrimination on the basis of his Race in violation of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e et seq
18. Defendant have willfully and wantonly disregarded Plaintiff's rights, and Defendants' discrimination against Plaintiff was undertaken in bad faith.
19. As a direct and proximate result of Defendant violations of Title VII, Plaintiff has been made the victim of acts that have adversely affected his psychological and physical well-being.
20. The discrimination adversely affected the terms, conditions, and privileges of Plaintiff's employment.

21. Defendants are therefore liable for the damages caused proximately by its discrimination.

COUNT 3- GENETIC INFORMATION DISCRIMINATION in Violation of The Genetic Information Nondiscrimination Act (GINA)

22. Plaintiff incorporates all the foregoing paragraphs herein as if restated again in full.

23. Plaintiff is an African Male and is therefore a member of a protected class.

24. Defendants' actions in subjecting Plaintiff to different terms and conditions of his employment constituted unlawful discrimination on the basis of genetic information in violation of Title II, 42 U.S.C {20000ff, The Genetic Information Nondiscrimination Act (GINA)

25. Defendant have willfully and wantonly disregarded Plaintiff's rights, and Defendants' discrimination against Plaintiff was undertaken in bad faith.

26. As a direct and proximate result of Defendant violations of The Genetic Information Nondiscrimination Act (GINA) Plaintiff has been made the victim of acts that have adversely affected his psychological and physical well-being.

27. The discrimination adversely affected the terms, conditions, and privileges of Plaintiff's employment.

PRAYER FOR RELIEF

WHEREFORE, PREMISES CONSIDERED, Plaintiff respectfully requests that this Court:

A. Order the Defendants to pay Plaintiff compensatory damages, all pay that he would have received had he been selected a Lead (promotional opportunity discussed herein) any applicable including back pay, front pay (and/or reinstatement), missed overtime pay and benefits including

vacation and sick time, restore pension for the injuries he sustained as a result of Defendants' conduct, in amounts to be determined at trial.

B. Order the Defendant to compensate Plaintiff for his emotional harm.

C. Order Defendants to pay all pre-judgment and post-judgment interest on all compensatory damages.

D. Order Defendant to pay punitive damages.

E. Order Defendant to pay reasonable attorneys' fees incurred with interest thereon.

H. Order Defendant to pay the costs of this action.

I. Grant a jury trial; and

J. Grant such further relief as the Court deems necessary and proper.

K. Defendant are liable to Plaintiff for the resulting injuries and damages.

x Prentice Staten

Pro Se Plaintiff, **Prentice D. Staten**

519 Kandala Cove, Lexington ³⁸³⁵¹ In address

email _____

731-217-4519 phone number